IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 16 OF 2006

PRATHAM V. GADAGKAR, JUDICIAL LOCK-UP, MARGAO. ....Petitioner

Versus

STATE THROUGH PUBLIC PROSECUTOR ....Respondent

In Person,
Shri C.A. Ferreira, Public Prosecutor for the State.

Coram:- N. A. BRITTO, J.

Date:- 27th July, 2006

P.C.:

Perused the petition. Heard Shri C.A. Ferreira on behalf of the respondent.

2. The petitioner herein appears to have been made an approver in Sessions Case No. 15 of 2005. An affidavit in reply has been filed on behalf of the respondent. It is submitted by Shri Ferreira, the learned Public Prosecutor that the applicant, having been made an approver has already been examined in the Court of Sessions in the trial of the said case and not only that so far in all 8 witnesses have been examined and the trial of the said Sessions case is being taken up every Friday. In the light of the above the main grievance made in the petition does not survive. In case the petitioner is entitled to bail, he is free to apply for the same before the Court of Sessions. The petitioner certainly cannot have a choice as to who should be appointed as a Public Prosecutor in conducting the said case, although it has been submitted by the learned Public Prosecutor that the same Public Prosecutor as mentioned by the petitioner in his petition is also incharge of conducting the said case.

3. With the above observations the petition is disposed of. Petitioner be informed of this order through the jailor, judicial lockup, Margao.

4. In case the petitioner files an application for bail to the Court of Sessions, the learned Sessions Judge will be at liberty to consider the same in accordance with law.

N. A. BRITTO, J.

NH